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Supreme Court of the United States

OCTOBER TERM, 1952

No. 226

J. LAURITZEN,

Petitioner,

against

EVALD JOHANN LARSEN,

Plaintiff-Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit

PETITIONER'S OBJECTION TO THE MOTION FOR LEAVE TO FILE A BRIEF AS AMICUS CURIAE ON BEHALF OF THE DANISH SAILORS' AND FIREMEN'S UNION, NEW YORK BRANCH

JAMES M. ESTABROOK,
Counsel for Petitioner,
80 Broad Street,
New York 4, N. Y.

DAVID P. H. WATSON,
of Counsel

Supreme Court of the United States

OCTOBER TERM, 1952

No. 226

J. LAURITZEN,
Petitioner,
against
EVALD JOHANN LARSEN,
Plaintiff-Respondent.

To the Honorable, the Chief Justice of the United States, and the Associate Justices of the Supreme Court of the United States:

Now comes J. Lauritzen, the petitioner herein, and, in accordance with Rules 7(3) and 27(9)(c) of the Revised Rules of the Supreme Court of the United States, respectfully opposes the motion of the Danish Sailors' and Firemen's Union, New York Branch, for leave to file a brief as *amicus curiae* for the following reasons:

1. The brief of the Royal Danish Government, as *amicus curiae*, recites on page 5 thereof, that the Royal Danish Government obtained the opinion of the Danish Seamen's Union, as well as the opinions of the Danish Shipping Administration and the Federation of Danish Shipowners, before formulating its views that the decision of the court below would work serious injury to the Danish seamen and shipowners, alike (page 10 of the brief).

2. The proposed brief of the Danish Sailors' and Firemen's Union, New York Branch, does not represent the position of the Seamen's Union in Denmark, as evidenced by a letter dated December 6, 1952, from the Chairman of that Union to the petitioner, wherein it is stated that the Board of the Union had advised the International Trans-

port Federation and the New York Branch of the Seamen's Union in Denmark, the movant herein, that the Union did not wish to intervene in this case. These instructions were confirmed by a letter, dated Copenhagen, January 27, 1953, from the President of The Firemen's Union in Denmark and the President of The Seamen's Union in Denmark addressed to the Unions' New York representative, Fred B. Clausen. A translation of this letter is annexed hereto as Appendix I.

3. The oral argument in this case having been held on January 6, 1953, the filing of an additional brief *amicus* at this time does not comply with Rule 27(9)(c) of the Revised Rules of the Supreme Court of United States requiring such motions for leave to file briefs *amicus curiae* to be "timely" presented to this Court.

4. There is no showing in the motion papers or the proposed brief of the movant, as required by Rule 27(9)(c), of any facts or questions of law which have not already been presented adequately by the same counsel in the brief *amicus* he has already filed, by the parties in their briefs, in the oral arguments before this Court on January 6, 1953, or in the five other briefs of *amici curiae* already before this Court.

For the reasons stated above, it is respectfully submitted that the motion of the Danish Sailors' and Firemen's Union, New York Branch, for leave to file a brief as *amicus curiae* should in all respects be denied.

Dated, New York, January 29, 1953.

JAMES M. ESTABROOK,
Counsel for Petitioner,
80 Broad Street,
New York 4, N. Y.

DAVID P. H. WATSON,
of Counsel.

APPENDIX I

Copenhagen, January 27th, 1953
Th. L—137/1953

The Seamen's Union in Denmark,
5 Herluf Trollesgade,
Copenhagen, K.

Air mail

Mr. Representative
Fred. B. Clausen,
156, Montague Street,
Brooklyn, 2, N. Y.
U. S. A.

Good Fellow,

We refer to our letter dated 12th November, 1952, (copy enclosed) and after having learned that by letter dated Brooklyn, January 15th, 1953, to the Justices of the U. S. Supreme Court, Washington, D. C., you have, as a representative of the Seamen's and Firemen's Union in Denmark, given a declaration that you sympathize with the case brought before the court by Evald Johan Larsen against the Steamship Company "Vesterhavet", Denmark, we shall not omit to inform you that in complete accordance with the advice to you on the 12th November, 1952, we cannot agree to the attitude, which you have taken, as you have not had any powers to give such support.

As the Union, who have previously discussed this question, are still of opinion that this case, which is being tried before the American Supreme Court according to the statutes of The Jones Act, is a question which does not concern the Board of the Union, we shall request you to withdraw, as soon as possible, the brief which you have handed in in virtue of your position in the Union's New York branch.

Firemen's Union in Denmark
For the Board
(sgd.) Richl. Jensen
President

The Seamen's Union in Denmark
For the Board
(sgd.) Th. Laursen
President